

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Judith Le	Team: Squad #8	CCRB Case #: 201701879	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/09/2017 12:00 PM	Location of Incident: § 87(2)(b)	Precinct: 43	18 Mo. SOL 9/9/2018	EO SOL 9/9/2018	
Date/Time CV Reported Mon, 03/13/2017 12:11 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/13/2017 12:11 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM William Munoz	09764	955235	043 PCT
2. POM Bashiek Collins	03211	917064	043 PCT
3. POF Nicole Quinones	14544	955353	043 PCT
4. LT Joseph Mauceli	00000	945969	043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Yvesmarc Elie	16218	917076	043 PCT
2. POM Gabriel Valdez	18089	959328	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Nicole Quinones	Abuse: Police Officer Nicole Quinones entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.POM William Munoz	Abuse: Police Officer William Munoz entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
C.LT Joseph Mauceli	Abuse: Lieutenant Joseph Mauceli entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
D.POM William Munoz	Abuse: Police Officer William Munoz did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)
E.POM Bashiek Collins	Abuse: Police Officer Bashiek Collins did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)

Case Summary

On March 9, 2017, at 12:00pm, PO Nicole Quinones, PO William Munoz and Lt. Joseph Mauceli of the 43rd Precinct responded to a radio call involving the assault of a § 87(2)(b) child, § 87(2)(b) by his mother, § 87(2)(b) at § 87(2)(b) in the Bronx. The 911 call was made by § 87(2)(b) an ACS caseworker, on behalf of § 87(2)(b). After officers arrived, they spoke to § 87(2)(b) who admitted to arguing with her son earlier that day. They did not see § 87(2)(b) on scene. After several minutes of talking, § 87(2)(b) attempted to go back inside her apartment. The officers asked if they could come in, but she informed them that they needed a warrant. As she attempted to close the door, PO Quinones, PO Munoz and Lt. Mauceli allegedly pushed the door open (**Allegations A, B and C**). § 87(2)(b) was then placed under arrest for obstruction of governmental administration, assault and endangering the welfare of a child. While standing in the hallway, § 87(2)(b) asked PO Munoz for medical attention relating to injuries sustained during her dispute with her son, but was not provided with any treatment (**Allegation D**). After § 87(2)(b) was taken to the station house by PO Bashiek Collins and PO Yvesmarc Elie of the 43rd Precinct, she also allegedly asked PO Collins for medical treatment; he did not provide it to her (**Allegation E**).

There is no video footage capturing this incident.

Mediation, Civil and Criminal Histories

- This case was deemed unsuitable for mediation due to § 87(2)(b)'s arrest.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- As of April 19, 2017, a notice of claim has not been filed (see Board Review #2).

Civilian and Officer CCRB Histories

- PO Quinones has been a Member of Service for three years and has not been a subject in any previous CCRB complaints (see Board Review #3).
- PO Munoz has been a Member of Service for three years and has not been a subject in any previous CCRB complaints (see Board Review #4).
- Lt. Mauceli has been a Member of Service for nine years and has been a subject in five prior complaints, totaling five allegations. § 87(2)(g)
- PO Bashiek has been a Member of Service for twenty years and has not been a subject in any previous CCRB complaints (see Board Review #6).
- This is § 87(2)(b)'s first CCRB complaint (see Board Review #7).

Allegations Not Pleaded

§ 87(2)(b) alleged that after officers entered her residence, she was pushed several inches into the hallway of her apartment and then placed under arrest for § 87(2)(b).

§ 87(2)(b)

§ 87(2)(g)

Findings and Recommendations

Allegation A - Abuse: Police Officer Nicole Quinones entered § 87(2)(b)

in the Bronx.

Allegation B - Abuse: Police Officer William Munoz entered § 87(2)(b)

in the Bronx.

Allegation C - Abuse: Lieutenant Joseph Mauceli entered § 87(2)(b)

in the Bronx.

It is undisputed that officers entered § 87(2)(b) . § 87(2)(g)

Temporary Removal Order Docket § 87(2)(b) , grants ACS an emergency removal of § 87(2)(b) a child under the age of eighteen, from § 87(2)(b) . The application states that § 87(2)(b) inflicts excessive corporal punishment on § 87(2)(b) and his siblings. It also notes that § 87(2)(b) threatened to kill § 87(2)(b) and poison his siblings the night prior. It states that the removal is necessary because the child's life and health would be at imminent risk if left in the care of his mother. On § 87(2)(b) § 87(2)(b) the Order was renewed, with a permanency hearing to be held on § 87(2)(b) (see Board Review #8).

In the 911 call for Event #§ 87(2)(b) at the <00:32> minute mark, ACS social worker, § 87(2)(b) tells the 911 Operator: Birth mother assaulted a child. She's withholding the youngest child hostage in her home. She has severe mental health issues. At the <01:30> minute § 87(2)(b) states: She assaulted the § 87(2)(b) His arm is bruised. We have to take him to the Emergency Room. The other child is § 87(2)(b) . He's supposed to be in school. She will not let him leave the home. Mom has severe mental health needs that are untreated and we are concerned for his safety. He is not to be in mother's care unsupervised at all (see Board Review #9)

§ 87(2)(b) (see Board Review #10) testified that she was at home with her grandmother, § 87(2)(b) and § 87(2)(b) son, § 87(2)(b) when she heard the doorbell ring. She noted that even though all her children had been placed in foster care, § 87(2)(b) was home because he had been suspended and an ACS worker had instructed § 87(2)(b) to take § 87(2)(b) to a new school and register him. § 87(2)(b)'s neighbor was at her door, and shortly after coming out into the hallway, she saw two officers, a Sergeant, identified through investigation as Lt. Mauceli, and a female officer, identified as PO Quinones, approach. The officers informed § 87(2)(b) they were responding to a disturbance between a mother and her sixteen year old son. § 87(2)(b) told the officers she knew what they were talking about. The officers explained to her that her son, § 87(2)(b) had called his ACS worker and told him that she had assaulted him. She told the officers she and son had gotten into a dispute about his diploma, but that she had been injured by him. She noted that she had bruising on her calf and a scratch on her face. After speaking to the officers for approximately five to seven minutes, § 87(2)(b) then walked back to her apartment to let her grandmother know

what was going on. As she began closing the door, the officers told her that they needed to go inside the apartment because ACS told them there was an Order of Protection against her and her children. § 87(2)(b) told the officers that was not true and asked them to contact ACS. During her interview, § 87(2)(b) also added that there was no Order of Protection and her children could visit her whenever they wanted to. § 87(2)(b) told the officers they couldn't come in because it was her grandmother's apartment and her grandmother did not want any police inside. She also stated three or four times that they needed a warrant. As § 87(2)(b) tried to hold the door shut, PO Quinones stuck her foot through the door and she, Lt. Mauceli and PO Munoz, whose name she later obtained at the stationhouse, then pushed the door into § 87(2)(b) forcing her back.

PO Quinones (see Board Review #11) and PO Munoz originally received a radio run for an ambulance case-EDP. When they arrived to the location, the job had changed to an assault in progress. There was a § 87(2)(b) who had been beaten by his mother and it was an ACS case. Over the computer they learned that the assigned social worker said that the children were not supposed to be with their mother or at the address. PO Quinones believed she may have seen an Order of Protection over email. When PO Quinones and PO Munoz got upstairs, they encountered § 87(2)(b) in the hallway. They explained they were there in regards to a complaint by a § 87(2)(b), but she kept replying that nothing had happened. Finally she admitted that she had gotten into an argument earlier with her son and they had struggled. She did not mention her son attacking her nor did PO Quinones see any visible injuries on § 87(2)(b). PO Quinones also noted that at no point did they see any children and the officers were all asking § 87(2)(b) where her kids were. She wouldn't answer and kept telling them that they didn't have a warrant. PO Quinones explained to § 87(2)(b) that for that type of a job, they didn't need a warrant to because there was a child involved and it was an emergency. She didn't see a child and wanted to make sure everyone was safe. PO Quinones noted that at the time she could hear people inside the apartment so she knew § 87(2)(b) wasn't by herself. After about three minutes, § 87(2)(b) tried to make her way into the apartment and tried to shut the door in PO Quinones' face. PO Quinones put her foot in the door and told § 87(2)(b) that she was just going to come in with her and make sure everybody was okay. § 87(2)(b) tried again to close the door, so PO Quinones used her shoulder strength to force the door open. PO Munoz and PO Mauceli, who were standing behind her, assisted.

PO Munoz (see Board Review #12) stated that he and PO Quinones responded to a radio run for back-up for an EDP. En route, the job changed to an assault in progress. They were the first officers to arrive on scene, and § 87(2)(b) was standing in front of her door speaking to her neighbor. The officers approached her and explained that they were there because of an assault on a § 87(2)(b). § 87(2)(b) appeared confused, but guessed that it related to something that had happened earlier that day. The officers spoke to § 87(2)(b) about trying to gain entry into the apartment because the officers wanted to verify that there was no one injured in the apartment, as they did not know where they § 87(2)(b) was. He did not know it was an ACS-related case. § 87(2)(b) refused to let them in, saying that they didn't have a warrant. The officers explained even though they did not have a warrant, they needed to verify no one was injured. § 87(2)(b) continued to refuse and then walked into her apartment. As she began closing the front door, PO Munoz asked her if one of the officers could just come in, verify that nobody was injured and leave so as to resolve the situation. § 87(2)(b) replied that they

could not and pushed the door closed. PO Munoz and PO Quinones pushed the door open and they and Lt. Mauceli entered the apartment.

Lt. Mauceli (see Board Review #13) testified that he received a call over the radio for an EDP and the EVENT story stated that a § 87(2)(b) had been assaulted by his mother and the caseworker was the caller. Lt. Mauceli could not remember when, but noted that he also learned, either through the radio or the job details, that a § 87(2)(b) and § 87(2)(b) had previously been removed by ACS due to risk of imminent death and neglect. When Lt. Mauceli arrived on scene, he believed PO Munoz and PO Quinones were already there. They went to the third floor and saw § 87(2)(b) in the hallway. She did not have any visible injuries. They asked her if anything had happened and if anyone was hurt. He noted that § 87(2)(b) lied to them from the get-go and said that there was nothing going on. The officers asked if there was anyone else in the apartment. At first § 87(2)(b) kept saying no one was home and then admitted that her mother or grandmother was in the apartment sleeping. Lt. Mauceli could not remember if § 87(2)(b) spoke to them about her altercation with her son, but noted that she did not say anything about her son assaulting her. Lt. Mauceli stated that at the time, he did not know where the § 87(2)(b) was, and § 87(2)(b)'s demeanor made it appear that she was hiding something. Lt. Mauceli explained to § 87(2)(b) that they needed to check for a possible injured child or children. § 87(2)(b) told the officers that they needed a warrant. Lt. Mauceli stated that either he or another officer explained to § 87(2)(b) that they did not a warrant because there was an emergency exception for a child that was at risk of imminent death. He noted that the fact that her children had previously been removed for fear of imminent death and a child had called reporting an assault added weight to this claim. Lt. Mauceli noted during his interview that under this exception, the door for the apartment could have been kicked down. After a few minutes, § 87(2)(b) began closing the door and entered the apartment. Lt. Mauceli informed § 87(2)(b) that they needed to check for her kids, and she tried to close the door on him. He pushed the door open. He could not remember if anyone helped him.

Under P.G. 215-03, when imminent danger to a child's life or health exists, members of service may take the child into protective custody without permission if there is reasonable cause to believe that continued presence of the child in the home is immediately dangerous to life or health and there is not sufficient time to apply for a court order (see Board Review #14). In *People v. Greenleaf*, 222 A.D.2d 838 (1995), the Supreme Court of New York (citing *People v. Mitchell*, 39 N.Y.2d 173 (1976)) held that a warrantless entry into one's residence does not violate the constraints of the 4th Amendment, where reasonable ground exists to believe that an emergency is at hand (see Board Review #15).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Allegation D - Abuse: Police Officer William Munoz did not obtain medical treatment for

§ 87(2)(b)

Allegation E - Abuse: Police Officer Bashiek Collins did not obtain medical treatment for

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) (see Board Review #10) testified that while at the stationhouse, she told PO Munoz and PO Collins, whose name she obtained while there, that she needed an ambulance for injuries sustained from § 87(2)(b). PO Munoz replied that they would call an ambulance. PO Collins also said that they would get her an ambulance and take pictures of the bruises she had, but they never did.

PO Munoz (see Board Review #12) stated that he was standing with § 87(2)(b) in the hallway and remembered seeing injuries on somewhere on her face. § 87(2)(b) asked for medical treatment and PO Munoz replied, “No problem.” He did not immediately obtain medical treatment for § 87(2)(b). He also did not recall telling the other officers or EMS that § 87(2)(b) needed medical treatment, noting that at the time of the request, the other officers were still investigating the incident. He stated that although he did not seek medical treatment for § 87(2)(b) at the time, he did not hear her request medical attention again while at the stationhouse. He did not know if § 87(2)(b) ever received medical treatment.

Lt. Mauceli (see Board Review #13) testified that the never heard § 87(2)(b) ask for medical attention. He stated that under protocol, if there was a serious injury they would transport her immediately to the hospital, or else EMS would be called. He also noted that EMS was downstairs and if she had asked for medical attention, they would have just had the EMS guy come upstairs.

PO Collins (see Board Review #16) stated that when he and his partner, PO Elie, arrived to the apartment, PO Munoz and PO Quinones were already standing in the hallway with § 87(2)(b) who had already been placed under arrest in handcuffs. § 87(2)(b) was quiet and did not appear to have any visible injuries. PO Collins did not hear her say anything about injuries sustained from her son. He did not speak to § 87(2)(b). PO Collins and PO Elie volunteered to take § 87(2)(b) in their RMP since their car had a cage. PO Collins estimated that the car ride took about ten minutes and PO Collins and PO Elie did not speak to § 87(2)(b). She was quiet and did not say anything about needing to go to the hospital. When they got to the stationhouse, PO Collins and PO Elie took her to the front desk. They filled out her pedigree information and then a female officer came over to search her. PO Collins did not hear § 87(2)(b) ask for medical attention at the stationhouse. She was then placed in a cell and PO Collins and his partner resumed patrol.

Patrol Guide 216-01 states that officers must render reasonable aid to a sick or injured person, and request an ambulance or doctor, if necessary (see Board Review #17).

§ 87(2)(g)

§ 87(2)(g)

Squad: 8

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date